

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MONSANTO COMPANY and  
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

vs.

E.I. DUPONT DE NEMOURS AND  
COMPANY and  
PIONEER HI-BRED INTERNATIONAL,  
INC.,

Defendants.

Case No. 4:09-cv-00686-ERW

**MOTION FOR EXPEDITED ORAL ARGUMENT**

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), pursuant to Local Rule 78 4.02(B) hereby respectfully request oral argument on Monsanto’s Motion for Sanctions for Discovery Abuse (“Monsanto’s Motion”) to take place on January 19, 2011.

In support of this motion, Monsanto states that Monsanto’s Motion involves issues arising from improper conduct by Defendants’ counsel during the taking of depositions of fact witnesses presently or formerly employed by or affiliated with one or both of Defendants. As the Court is aware, fact discovery (including depositions) on the contract and patent issues is to be completed by February 7, 2011. Numerous depositions have been scheduled over the next three weeks, and resolution of Monsanto’s Motion will directly impact on Monsanto’s ability to timely take and complete fact depositions. Monsanto believes oral argument will provide assistance to the Court in ruling on Monsanto’s Motion. This Court has recently set oral

argument on Defendants' Second Motion to Compel (Dkt. 493) for January 19, 2011. Monsanto suggests that oral argument on Monsanto's Motion for Sanctions should take place on this same date.

Dated: January 12, 2011

Respectfully submitted,

HUSCH BLACKWELL LLP

By: /s/ Joseph P. Conran.

Joseph P. Conran, E.D.Mo. # 21635MO  
joe.conran@huschblackwell.com  
Omri E. Praiss, E.D.Mo. # 41850MO  
omri.praiss@huschblackwell.com  
Greg G. Gutzler, E.D.Mo. # 48893MO  
greg.gutzler@huschblackwell.com  
Tamara M. Spicer, E.D.Mo. # 54037MO  
tamara.spicer@huschblackwell.com  
Steven M. Berezney, E.D.Mo. # 56091MO  
steve.berezney@huschblackwell.com  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
(314) 480-1500 – telephone  
(314) 480-1505 – facsimile

WINSTON & STRAWN LLP

Dan K. Webb  
dwebb@winston.com  
George C. Lombardi  
glombardi@winston.com  
Todd J. Ehlman  
tehlman@winston.com  
James M. Hilmert  
jhilmert@winston.com  
35 W. Wacker Drive, Suite 4200  
Chicago, IL 60601  
(312) 558-5600 – telephone  
(312) 558-5700 – facsimile

John J. Rosenthal  
jrosenthal@winston.com  
Matthew A. Campbell  
macampbell@winston.com  
Jovial Wong  
jwong@winston.com  
1700 K Street, N.W.  
Washington, DC 20006  
(202) 282-5000 – telephone  
(202) 282-5100 – facsimile

Gail J. Standish  
gstandish@winston.com  
333 South Grand Avenue  
Los Angeles, CA 90071-1543  
(213) 615-1700 – telephone  
(213) 615-1750 – facsimile

MCDERMOTT WILL & EMERY  
Steven G. Spears  
sspears@mwe.com  
Scott W. Clark  
sclark@mwe.com  
1000 Louisiana Street, Suite 3900  
Houston, TX 77002-5005  
(713) 653-1700 – telephone  
(713) 739-7592 – facsimile

*Attorneys for Plaintiff Monsanto Company and  
Monsanto Technology LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 12th day of January, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

Andrew Rothschild, Esq.  
C. David Goerisch, Esq.  
Lewis, Rice & Fingersh, L.C.  
600 Washington, Suite 2500  
St. Louis, MO 63102

Leora Ben-Ami, Esq.  
Thomas F. Fleming, Esq.  
Christopher T. Jagoe, Esq.  
Howard S. Suh, Esq.  
Jeanna Wacker, Esq.  
Kaye Scholer LLP  
425 Park Avenue  
New York, NY 10022

Donald L. Flexner, Esq.  
Hershel Wancjer, Esq.  
Cynthia Christian, Esq.  
Robert M. Cooper, Esq.  
Boies, Schiller & Flexner LLP  
575 Lexington Avenue, 7th Fl.  
New York, NY 10022

James P. Denvir, Esq.  
Amy J. Mauser, Esq.  
Boies, Schiller & Flexner LLP  
5301 Wisconsin Avenue, N.W.  
Washington, D.C. 20015

*Attorneys for Defendants*

/s/ Joseph P. Conran .